

DCI

OLC #78-1348

DCI/IC-78-0337
14 April 1978

NOTE FOR MEMBERS OF THE NFIB TASK GROUP ON "GUIDELINES"

FROM: 25X1
Chairman

SUBJECT: DCI Guidelines for Responding to Inquiries from
Congressional Committees

1. Attached is a draft of the proposed DCI guidelines for responding to inquiries from congressional committees on agreements, arrangements and liaison relationships with foreign intelligence and security services. This draft was prepared on the basis of our discussions of 11 April.
2. Also attached is a draft memorandum from the D/DCI/RM to the DCI proposing how the guidelines paper be handled.
3. No further meeting of the ad hoc group is proposed unless there are any comments on the papers which would require such.
4. It is requested you clear the attached papers with your NFIB Principals and advise me as to their comments/concurrence by COB, Friday, 21 April.

25X1

Attachment:
Draft of Proposed Guidelines



MORI/CDE

D R A F T

MEMORANDUM FOR: Director of Central Intelligence

FROM: 25X1

Deputy to the DCI for Resource Management

SUBJECT: IC Responses to Congressional Inquiries Concerning
Intelligence Liaison with Foreign Governments

1. Action Requested: It is recommended you approve the attached draft statement of "guidelines" and indicate your approval/disapproval of the indicated alternatives for handling the statement.

2. Background:

a. The attached statement proposes guidelines for use by organizations of the Intelligence Community in responding to requests from committees of the Congress for information concerning agreements, arrangements and liaison relationships with the intelligence and security services, including military intelligence and counterintelligence organizations, of foreign governments.

b. The statement was drafted by an ad hoc group representing NFIB organizations that have entered into such arrangements, and has been cleared by these representatives with their NFIB Principals.

c. The guidelines were developed with recognition that individual arrangements for liaison, support or exchange of intelligence with foreign intelligence and security services vary widely in terms of the degree of U.S. involvement, the formality of the relationships,

THIS DOCUMENT IS UNCLASSIFIED
DATE 11-11-2001 BY 1045

SUBJECT: IC Responses to Congressional Inquiries Concerning Intelligence Liaison with Foreign Governments

the type of intelligence activity involved and the organizational level of the participating U.S. intelligence organizations.

d. Impetus for the effort came from the 9 November 1977 letter to you from Congressman Boland, Chairman of the HPSCI, requesting, among other things, "detailed summaries of all intelligence agreements--written and oral--reached with other nations, including agreements falling both inside and outside the usual reporting to the Congress under the Case-Zablocki Act," and the 14 February 1978 request to the Director of DIA by the HPSCI Program and Budget Authorization Subcommittee for a listing of all "bilateral intelligence agreements." No response has yet been made to the November request, but DoD has drafted a proposed reply to the February request in brief, summary format.

e. Your approval of the attached guidelines is proposed in furtherance of your statutory responsibility to protect intelligence sources and methods and of the responsibilities assigned in Sections 1-601, 1-710 and 3-4 of Executive Order 12036.

3. Recommendation: It is recommended that:

a. You approve the guidelines statement;

Approve: _____	_____
Director of Central Intelligence	Date
Disapprove: _____	_____
Director of Central Intelligence	Date

SUBJECT: IC Responses to Congressional Inquiries Concerning Intelligence Liaison with Foreign Governments

b. You and/or your Legislative Counsel discuss the guidelines with the Chairmen of the Senate and House Select Committees on Intelligence to assure their awareness and general agreement with the approach being taken;

Approve: _____
Director of Central Intelligence Date

Disapprove: _____
Director of Central Intelligence Date

c. You utilize the attached statement as an ad hoc group proposal rather than as a formal DCI/NFIB document and orally present your position at an Executive Session of the NFIB. The import will appear in the minutes, but no document will be promulgated over your signature.

Approve: _____
Director of Central Intelligence Date

Disapprove: _____
Director of Central Intelligence Date

25X1



Attachment:
Draft Statement of "Guidelines"

SECRET

GUIDELINES FOR REPORTING TO THE CONGRESS
ON INTELLIGENCE LIAISON WITH FOREIGN GOVERNMENTS

25X1

1. ☐ Arrangements and relationships with foreign intelligence and security services represent an important element of the sensitive sources and methods of the Intelligence Community. Information obtained through these means contributes importantly to the effectiveness of the intelligence activities of the United States, but the continuing cooperation of foreign intelligence services will depend in large part on protection of the confidentiality of the relationships involved. The following guidelines are intended to provide a baseline that will enable U.S. intelligence organizations to respond to congressional requests for information in this highly sensitive area.

25X1

2. ☐ The guidelines set forth herein do not apply to intelligence agreements entered into since the 1972 passage of the Case-Zablocki Act (P.L. 92-403, 1 U.S.C. 112b) and reportable to the Congress in compliance with that Act. The Case-Zablocki Act requires that the text of any international agreement other than treaties be transmitted to the Congress by the Secretary of State no later than 60 days after its entry into force. Classified intelligence agreements come under the provision of the Act that:

"any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President."

SECRET

25X1



Criteria and procedures are already well established for review by the Department of State of each arrangement with a foreign intelligence or security service to determine whether it constitutes an agreement which is to be reported under the Case-Zablocki Act. Intelligence agreements that have been reported in compliance with that Act are available to the intelligence oversight committees of the Congress.

25X1 3. ☐ Arrangements and relationships with foreign intelligence and security services which do not require reporting under the Case-Zablocki Act frequently involve sensitive sources and methods. To the extent feasible, the Intelligence Community should seek to limit provision of information concerning such relationships to inquiries from the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the House and Senate Appropriations Committees. It is recognized that the Appropriations Committees may require information concerning implementation of the U.S. portion of a particular arrangement as it relates to specific budget items. Inquiries concerning intelligence arrangements and relationships with foreign services received by any organization of the Intelligence Community from committees of the Congress other than the four listed above should be referred to the

☐ Director of Central Intelligence, ☐

25X1

25X1 4. ☐ Provision of information to a congressional committee concerning any arrangement with a particular foreign intelligence or security service normally will be the responsibility of the head of the department or agency of which the U.S. intelligence organization sponsoring the relationship is a part.

a. Inquiries received by any entity of the Intelligence Community concerning an arrangement for which that particular entity is not the sponsor should be referred to the sponsoring U.S. organization.

b. Responses to requests for information concerning arrangements or relationships with foreign intelligence and security services involving clandestine intelligence or signals intelligence activities outside the United States should be coordinated with the DCI.

25X1

5. ☐ Where feasible, response to a request for a listing of intelligence "agreements" with foreign governments should be limited to those agreements reported under the Case/^{-Zablocki}Act to the Senate Foreign Relations and the House International Relations Committees. Any reporting which constitutes a listing of arrangements and relationships going beyond agreements to which the Case-Zablocki Act applies should carefully indicate that what is being reported are agreements concluded prior to 1972 or informal arrangements on which some documentation exists but which do not meet the criteria as established and applied by the Department of State for categorization as an internal agreement.

25X1

6. ☐ To the extent such is feasible, responses to congressional inquiries concerning arrangements and relationships with foreign intelligence and security services, and agreements concluded prior to 1972, should be limited to oral off-the-record presentations under arrangements that provide the necessary security protection.

a. Whether oral or written, responses should be properly classified and limited to the following information:

- (1) Identification of the foreign country;
- (2) Identification of the U.S. department or agency directly involved;

(It is recognized that information as to the specific office or field unit that conducts the actual liaison has been provided in the past, but such detail should be avoided if possible.)

- (3) Where requested and relevant for oversight purposes, identification of the U.S. manpower and resources involved in implementation of the arrangements;

- (4) Where necessary, a summation of the foreign intelligence or counterintelligence acquired as a result of the liaison activities.

b. The information provided to the Congress should be consistent with the need to protect sensitive intelligence sources and methods from disclosure which could jeopardize the continuation of the relationship with the foreign intelligence or security service or be detrimental to the foreign relations of the United States.

c. In the event of substantial allegations of improper activities on the part of the foreign service with which U.S. liaison or support arrangements are being maintained, every effort should be made to provide relevant information bearing on the allegations. Where this would depart from the guidelines listed in a. and b. above, the problem should be referred to the DCI.

25X1

7. ☐ Should responses falling within the criteria set forth in these guidelines not satisfy the congressional request, or if the reporting department or agency considers it is unable to remain within the guidelines, the head of the organization responsible for the reply should consult with the Director of Central Intelligence before any final response is provided.